

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 657

Press

~~Mis.~~

278.283

Dated

18.4.1918

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
18th April 1864.*

Read the following papers :—

No. 278. Read the following Proceedings of the Board of Revenue, dated 22nd February 1864, No. 1,147.

Read the following letter from the Acting Collector of the Kistna District, dated Masulipatam, 20th November 1863, No. 257 :—

1. With reference to the Board's Endorsement on Petition No. 2,951 of 1863 (herewith returned), addressed to the Board by Rajah Caudregula Jugannadha Row Gopala Row Bahadur, ex-Zemindar of the Divi Perganah, I have the honor to enclose a Memorandum containing a brief account of the family of the Petitioner; of the services rendered to the British Government by his ancestors; and of the manner in which the Divi Perganah became the Zemindary of this family, and subsequently reverted to Government.

2. The Board will observe that in consideration of the services rendered by Jogi Pantulu, an ancestor of the Petitioner, the Nizam granted him a Sunnud to receive the lands and other emoluments yielding an annual income of about 30,000 Pagodas fixed for the office of Majumdar and Sur-Sheristadar of the Northern Circars. This grant was confirmed in 1767 by the Honorable Company, who rented the Circars at that time. The Divi Perganah was, at this time, rented by Jogi Pantulu. He died in 1772, and his brother Venkatroylu succeeded him. In 1778 the offices of Majumdar and Sur-Sheristadar were abolished by Government, who consequently granted an allowance of 10,000 Pagodas a year to Venkatroylu. But though on the representation of the latter, the Government restored the said offices to him, the Zemindars having declined to pay the emoluments to Venkatroylu, he received the monthly allowance only until he died. He was succeeded by his nephew Juggappa Pantulu, in whose days the pension was stopped, as he fell in arrears of the rent of the Divi Perganah, owing to his extravagance. The Court of Directors subsequently granted a pension of 150 Pagodas per month to Gopal Row, the cousin of Juggappa Pantulu. In the year 1806, the Government granted the Divi Perganah, then remaining unsold, to Gopal Row on a permanent Beriz of 13,682 Star Pagodas, or Rupees 47,887. He continued in the enjoyment of it during his life-time, and his brother Jugannadha Row succeeded him. When the latter died, his son Gopal Row was a minor. The Estate was consequently taken under the Court of Wards, and restored to Gopal Row on his attaining his majority. Two years after he took possession of the Estate, the fearful famine of 1832 occurred, and the subsequent years also having been bad, he incurred heavy debts, and the Estate itself was attached by Government for arrears of Peshcush amounting to Rupees 26,251-15-1. Gopal Row was allowed however to retain certain Savaram lands for his maintenance. In 1836, Gopal Row died, and the Petitioner was adopted by his widow. As he was then a boy of three years, he was taken under the charge of the Court of Wards. During the minority of the Petitioner, the Collector negotiated with the private creditors, and reduced the debts due to them amounting to Rupees 3,71,621 including interest, to the sum of Rupees 1,00,851-4-2, which the Government paid upon the mortgage of the Estate. This bonded debt, and the arrears of Peshcush due up to the time the Petitioner attained his majority, was Rupees 2,00,727-14-3.* After he attained his majority, he presented a Petition to the Collector, Mr. Porter, praying that he might be put in possession of the Estate, on condition of paying the principal of the Government bonded debt by ten yearly instalments; and that the arrears of Peshcush, which had accumulated during the time the Estate was under attachment during his minority, &c., might be struck off.

	RS.	A.	P.
* Arrears in Zafly management.....	23,618	2	4
Do. during minority.....	76,258	7	9
Government loan.....	1,00,851	4	2
Total.....	2,00,727	14	3

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3. Mr. Porter recommended that the arrears due for the period before the Estate was taken under the Court of Wards should be added to the Government bonded debt; and that the arrears during the management under the Court of Wards should be remitted under the construction of Regulation V of 1804, given in the letter of the Sudder Udalt, dated 7th December 1831.

4. The Commissioner referred the question to Mr. Porter's successor, Mr. Lushington, with a view to obtaining his opinion also. The Petitioner then represented to Mr. Lushington that he would pay the Government bonded debt, as he had represented to Mr. Porter, at the rate of 10,000 Rupees per annum; and that he would pay off the said debt positively by reducing his expenses, and improving the resources of the Estate.

5. Mr. Lushington then reported that the Petitioner had given no tangible guarantee that he would pay off the debt. Mr. Elliot, the Commissioner, reported to Government that the whole amount which Petitioner then owed to Government, was Rupees 3,60,364 as noted in the margin; but that the Petitioner should be relieved from all charges of interest on condition of his making good the principal of the sum by instalments of Rupees 10,000 for the first two, and 15,000 Rupees for the subsequent years, till the whole amount of the principal was discharged; and that should he fail in this engagement, the Estate should be sold outright. In the concluding part of his letter, he however stated, "From my own observation of the Zemindar's character and abilities, I have no expectation that he will be able to exert himself successfully."

6. On receiving this report the Government declined to grant the request of the Petitioner. They observed that his proposal to strike off all interest, and to extend his payment of the debt over a period of ten years, added to the Commissioner's declaration that he was incompetent to manage the Estate, precluded all hope of his (Petitioner's) fulfilling his engagement. They thereupon ordered the Estate to be sold. In the meanwhile the Petitioner appeared before Mr. Lushington again, and represented that he might be allowed at least a trial to see whether he could fulfil or not the conditions he would enter into; and that he would pay both the Government bonded debt, Rupees 1,00,851-4-2, and the arrears which accrued prior to his minority, viz., Rupees 50,390-10-3, at the rate of Rupees 12,000 a year; and that he would produce security for the due fulfilment of the same. Thereupon Mr. Lushington reported that if the Zemindar could realize 70,000 Rupees every year, there ought to be no difficulty in discharging the debt and arrears due to Government; and that should the Zemindar be allowed a trial, there would hereafter exist no ground for complaint; "that he had not been allowed an opportunity of attempting to save the Estate granted to his ancestors, for services rendered to the Company's Government, and to show whether he was competent or not to manage it, and to discharge the Government dues." The Commissioner sent on the Zemindar's Petition to Government, who declined to comply with the request.

7. The Estate was therefore sold on 1st November 1852 for Rupees 25,000, and a life pension of Rupees 300 per mensem was granted to the Petitioner.

8. It appears that the sale of the Estate was contrary to Law; and that the Commissioner for the Northern Circars, in his capacity of Court of Wards, was bound to put his ward in possession thereof, on his attaining his majority, after which the Estate could have been made answerable for the arrears, if undischarged, in accordance with any terms the Government had been pleased to impose. Had this course been adopted, Petitioner would have had no cause to complain that the Court had failed to comply with the terms of the trust reposed in them.

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Fuslies.	Collection.
	Rs.
1262	71,428
1263	68,634
1264	52,050
1265	40,925
1266	70,337
1267	59,590
1268	58,798
1269	69,310
1270	54,284
1271	72,015
1272	72,415
Total...	6,89,792
Average...	62,708

9. The collections from the Divi Perganah during the last eleven years, or since the date of sale, are entered in the margin. Though they fluctuate much, being greatly dependent on the variable freshes of the Kistna, and not being under the influence of the Anicut, yet on the whole the villages are in a prosperous state; and there can be now no difficulty in realizing 70,000 Rupees a year, as was anticipated by the late Collector, Mr. Lushington; and it would consequently be easy for the proprietor to pay off the Government debt, &c.,

at the rate of Rupees 12,000 per annum, or even more. If brought under the influence of the Anicut the resources of the Estate would be greatly increased.

10. The old debt and arrears which would become payable by the Petitioner, excluding the interest (which under the circumstances of the Petitioner's case, the late Collectors and the Commissioner recommended to be remitted) would be as follows:—

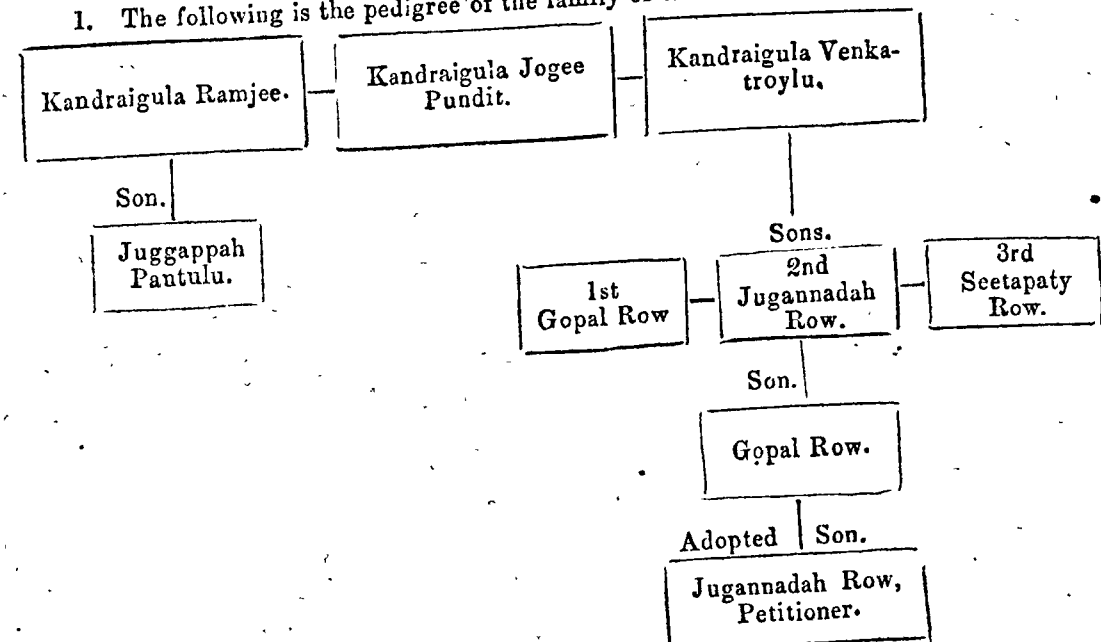
	Rs.	A.	P.
1. Arrears before minority	50,390	10	3
2. Government loan	1,00,851	4	2
(Arrears of Fusly 1260, viz., Rupees 9,487, have been subsequently collected.)			
Total...	1,51,241	14	5

11. To this the surplus collections from the Perganah since the date of sale, after paying the Peshcush and other expenses being credited, as detailed in the Enclosure No. 2, there remains a sum of Rupees 60,965 to be paid by the Petitioner.

12. I may add in conclusion that the ex-Zemindar thoroughly understands Telugu, his own language, and can read and write English to some extent, a qualification which is rarely found among men of his rank. From all I have seen of him, I am of opinion that he is now quite competent to manage the Estate, if that be a matter for consideration, irrespective of the justness of his claims.

ENCLOSURE No. 1.
Memorandum.

1. The following is the pedigree of the family of the Divi Zemindar:—



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2. The first three individuals were brothers of a high family of the name of Kandraigulavar in the Rajahmundry Circar.

Letter from Vizagapatam to the Honorable Robert Clive, Esq., Fort William, 15th April 1759.

3. After the Town of Masulipatam was captured by the English in the year A. D. 1759, during the time of the Honorable George Pigot, Governor of Fort Saint George, and the Company's Officers entered into the Northern Circars, Jogee Pantulu and Venkatroylu were employed as interpreters to the Chief in Council, stationed at Masulipatam. At that time they used their best endeavours to put the Chiefs in possession of the past history and manners of the country.

• Letter from Government 17th August 1764.
† 1. Kondavid or Murtuyannagar. 4. Rajahmundry.
2. Ellore. 5. Chicacole.
3. Mastupanagar.

† Letter from Government to Jogee Pantulu, 13th November 1764.

sador on behalf of the Company, with requisite honours of rank suited for the purpose. He was successful, and the Company obtained the Circars in rent.

5. At that time on Jogee Pantulu's laying before the Nizam his claims to succeed to the offices of Majumdar and Sur-Sheristadar of Rajahmundry Circars, formerly enjoyed by his maternal grand-fathers, the Nizam was pleased to restore him, as well as his two brothers to the said offices by means of a fresh Sunnud, and conferred on Jogee Pantulu the titles of "Rajah and Bahadur."

|| Dated 5th May 1767.
Vide Circular to Zemindars, 25th September 1769.

7. By virtue of the Sunnud of the Nizam and the Orders of the Government of Fort Saint George, the several Zemindars in the Northern Circars restored to Jogee Pantulu all the Rooms, Savarams, Rent villages, Cocoonut and Beetle-nut gardens, Inams, &c., appertaining to the above offices in their respective Estates; and yielding an annual income of about 30,000 Pagodas. In addition to the above, Jogee Pantulu used to rent some villages, and also in some years the Divi Perganah, from the Government; who reposed in him especial trust and confidence in consideration of the allegiance and steady attachment, which he manifested to the Honorable East India Company.

Vide Cowle granted by Government to Jogee Pantulu, 20th February 1773.

8. About the year 1772, Jogee Pantulu died. His younger brother Venkatroylu succeeded him in the office of Majumdar and Sur-Sheristadar in the year 1773, and continued in it till 1778, when the offices in question were abolished** as useless to Government; and the lands and fees, villages, &c., pertaining thereto were returned to the respective Zemindars. In compensation for the loss thereby sustained, an allowance of 10,000 Pagodas a year was ordered to be paid to Venkatroylu from the Company's Treasury.

† Letter from the Government of Madras to the Chief and Council at Masulipatam, dated 23rd June 1773.

** Letter from Government to Chief and Council, dated 11th December 1778.

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9. Venkatroylu subsequently brought to the notice of the Madras Government the injustice done to him in abolishing the offices of Majumdar and Sur-Sheristadar. The Government taking into consideration the long and faithful services of his family to the Company re-in-stated* him in his former stations of Sur-Sheristadary and Majumdar, and granted him the necessary Sunnud and Cowle in the year 1781.

* Letter from the Government of Madras to the Chief and Council at Masulipatam, dated 19th February 1778.

10. The Chief and Council at Masulipatam, in obedience to the orders contained in paragraph 2 of the above Order of Government, tried their best to induce the Zemindars to restore to Venkatroylu the several emoluments of his office, but this does not appear to have been effected, owing to the refusal of some of them. Hence Venkatroylu received 10,000 Pagodas per annum till he died.

11. After the death of Venkatroylu the above allowance of 10,000 Pagodas a year was paid for several years to his nephew Juggapah Pantulu, who taking advantage of the minority of his uncle's (Venkatroylu's) sons, Gopal Row, &c., appropriated the allowance to himself, usurped the rights, and dissipated the large property of the family, and by his extravagance and misconduct fell into deep arrears of rent of the Divi Pergannah to the Company, who were consequently induced to stop the pension.

12. Afterwards, the distressed situation of the family attracted the commiseration of the Court of Directors, who were pleased to give orders to the Madras Government that Juggapah Pantulu should be made to account with Gopal Row for the property he had taken; but the whole was already dissipated, and therefore through compassion, a pension of Pagodas 150 per month was granted to Gopal Row for maintaining himself and his family.

13. About the year 1804, the said Gopal Row brought his family circumstances to the notice of the then Governor the Honorable Lord W. Bentinck. In the year 1805, the Government were pleased to grant him the Divi Estate, then remaining unsold, in consideration of his acquirements and respectability, and directed the discontinuance of the pension of 150 Pagodas, in commutation of which the Estate was given, from the date of his taking charge thereof.

14. In the year 1806, the Estate was made over to Gopal Row on a permanent Beriz of Star Pagodas 13,682, or Rupees 47,887 as detailed in the margin, together with a permanent Cowle for the same. He enjoyed it till his death, which took place on the 30th April 1812, and which was reported to Board by

Mr. Russell in his letter of the 22nd May 1812, No. 99.

15. Gopal Row was succeeded by his younger brother Jugunnadha Row, who died on the 13th September 1827, leaving his widow and a minor son named Gopal Row.

16. As this Gopal Row was then a minor, and required about a year and a half to complete his majority, his father Jugunnadha Row, on the day before his death, submitted an Arzi to the Collector praying that the Estate might be allowed to remain under the management of his

	RS.	A.	P.
Average value of the Divi Estate..	78,130	8	0
Deduct.			
Pension at Rupees 525 a month	6,300	0	0
or annually..	23,943	8	0
Half share to the Zemindar	30,243	8	0
Net annual Pesheush	47,887	0	0

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widow, until his son attained his majority. This was not acted upon, but the Estate was taken under the Court of Wards till the minor became of age in the month of January 1829, when it was placed in his possession, together with a surplus of Rupees 7,819-4-9 remaining in hand.

To Board 6th January 1829, No. 5.
From Board 15th January
To Board, 4th February " No. 20.

Vide Mr. Gleig's report to Board, 9th June 1836.

17. Two years after Gopal Row took possession of the Estate, the fearful famine of the year 1832 occurred, and the subsequent years too were very bad. He was therefore obliged to borrow large sums of money for discharging the Kists due to Government,* as well as for defraying his own personal expenses. In September 1835, the Estate was attached* for arrears of Peshcush, amounting to Rupees 26,251-15-1.

* To Board 20th September 1836.

18. Some time after the above event, Gopal Row represented his embarrassed circumstances to the then Collector, and solicited the continuance to him of the Savarams and gardens free of rent, as had been done to his ancestors from a considerable time. Orders were accordingly issued on the 13th November 1835, directing the exclusion from the accounts of the said Savaram lands to the extent of 52 Kutties, which had been enjoyed by him up to the end of the year 1834. This was in accordance with the opinion expressed in an extract from the Minute of the Right Honorable the Governor dated 30th June 1835, suggesting the expediency of relieving Zemindars whose lands may have been under attachment, and who have not other means of maintaining themselves.

To Board, 17th May 1836.

19. On 16th May 1836, Gopal Row died childless. He authorized his widow to adopt a son according to law, for which purpose he drew out a will, copy of which was forwarded by him to the Collector on the day before his death.

To Board 30th January 1837.
From Board to Government 6th March 1837.
Ext. Min. of Cons. 31st March 1837, No. 427.
From Board to Collector, 13th April 1837.

20. After Gopal Row's funeral ceremonies, his widow, in virtue of the authority given her, adopted the present Petitioner, who was then a boy three years of age; and the Estate was taken afterwards under the Court of Wards in 1837.

21. ARREARS.—The arrears which accumulated before this time were Rupees 50,390, as detailed in the margin; a portion of this, viz., Rupees 26,771-13-8, was paid out of the surplus collections realized in the first few years under the management of the Court of Wards.

Arrears before attachment in 1835	Rs. 22,109
Arrears of Zuffy management of Fuslies 1244 and 1245	28,281
	50,390

22. During the later years under the management of the Court of Wards, the arrears of Peshcush accrued to Rupees 76,258-7-9, which including those* of the Zuffy management, alluded to above, amounted to Rupees 99,876-10-8 up to 3rd October 1850, on which date the

* Rupees 23,618-2-4.

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Petitioner attained his majority, as was reported to the late Commissioner for the Northern Circars To this, the bonded debt due to Government, referred to in the following paragraph, being added, the whole of the Petitioner's liabilities stood as follows:—

	RS.	A.	P.	RS.	A.	P.
During the Zuffy management:—						
Fusly 1244.....	12,387	0	0			
" 1245.....	11,231	2	4			
				23,618	2	4
Arrears during the minority of the Petitioner:—						
Fusly 1252.....	19,887	0	0			
" 1253.....	22,620	0	0			
" 1257.....	18,564	7	9			
" 1259.....	15,187	0	0			
				76,258	7	9
				Total...	99,876	10 1
				Government loan...	1,00,851	4 2

Grand Total...2,00,727 14 3 exclusive of interest.

23. The last mentioned item, Rupees 1,00,851-4-2,* was advanced in 1844 from the Government Treasury for the liquidation of the private debts of the Petitioner's father amounting to Rupees 3,71,621, which, upon negotiations with the creditors, was reduced to the said amount of Rupees 1,00,851-4-2.

* Vide sanction of Government of India, dated 9th December 1843.
Madras Government, dated 13th January 1844.
Board 18th January 1844.

24. The Estate was then mortgaged to Government as security for re-payment of the loan; and they anticipated† on the data of former years' returns, as well as the supposed capabilities of the Estate, that on an average the revenue would amount to Rupees 80,000,† thus leaving a surplus of about 23,000 Rupees a year, which would go towards the liquidation of the Government debt in question. But it will be seen that during the following seven years, as noted in the margin, the collections never came up to Rupees 80,000 as was anticipated, but went down so low in three years* as to be less than the Peshcush itself, and the average of these seven years' collections was Rupees 52,673. The Peshcush, Rupees 47,887, being deducted from this, the remaining small amount was paid on account of the Zemindar's Bootad or maintenance, and the Establishment and Maramut charges. Consequently no part of the said bonded debt due to Government was paid out of the collections.

† Vide correspondence from Board, dated 15th June 1843.
To Board, dated 27th July 1843.
From Board, dated 4th September 1843.
To Board, dated 14th September 1843, paragraph 4.

Average revenue per year, Rupees	...	80,000
Deduct Peshcush	...	47,887
Computed charges	...	9,000
		56,887
Surplus, Rupees	...	23,113

Fuslies.	Demand.	Collections up to the end of August 1850.
	RS.	RS.
1253	26,334	32,777*
1254	60,942	58,882
1255	58,415	56,332
1256	72,533	71,404
1257	36,241	31,682*
1258	76,266	73,711
1259	60,922	40,924*
Total..	3,01,653	3,68,712
Average..	57,879	52,673

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25. On 2nd September 1850, or after the expiration of his minority, the Petitioner Presented an Arzi to the then Collector, Mr. Porter, requesting him to recommend to Government to strike off the arrears of the Zufty and minor managements, and to place him in possession of the Estate on condition of paying the principal of the Government bonded debt by ten yearly instalments.

To Commissioner, 3rd October 1850.

* Rupees 23,618.

† Rupees 1,00,857.4.2.

26. In recommending to the consideration of the late Commissioner, Northern Circars, the Petitioner's proposition, Mr. Porter gave his opinion that the arrears* due for the period before the Estate was taken under the Court of Wards, should be added to the sum advanced by the Government, which the Petitioner consented to pay; and that the arrears of the management of the Court of Wards should be remitted under the construction of Regulation V of 1804, in the letter of the Sudder Udalt dated 7th December 1831. Mr. Porter also added that the outturn of the wet lands in the Estate being liable to great fluctuation, the period within which the Zemindar's liabilities could be expected to be liquidated under Government management would be very remote.

From Commissioner, 27th November 1851, No. 553.

27. On the receipt of the above report, the Commissioner wanted to know the opinion of Mr. Lushington as to the weight to be attached to the Zemindar's proposition.

28. Mr. Lushington questioned the Petitioner, who repeated his former proposal, and stated that he would pay off the debt by reducing his expenditure and by improving the resources of the Estate as much as possible.

To Commissioner, 14th February 1852, No. 7.

29. Mr. Lushington thereupon reported that the Petitioner had not given any substantial guarantee that it would be in his power to fulfil his engagement; and that up to the date of this report, the Petitioner's liabilities stood as follows:—

	RS.	A.	P.
Up to the date of Mr. Porter's Report dated 3rd October 1850	...	...	...
Deduct subsequent collections	99,876	10	1
	3,000	0	0
Remainder...	96,876	10	1
Add subsequent balance up to January 1852	20,451	11	0
Total...	1,17,323	5	1
Government loan	1,00,851	4	2
Grand total exclusive of interest...	2,18,179	9	3

To Government, 30th June 1852.

30. The Commissioner for the Northern Circars when submitting his report to Government on the affairs of this Estate, disapproved of the proceedings of the Collector, whereby the

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surplus collections of the Estate under the Court's management, was applied towards the adjustment of the arrears of Fuslies 1243 and 1244. He also struck out the arrears which accrued during the minority under the orders of the Sudder* Udalt quoted above, and fixed the Zemindar's liabilities as follows:—

* Vide Board's letter, 30th April 1832.

ITEMS.	Principal.	Interest.	Total.
	RS. A. P.	RS. A. P.	RS. A. P.
Arrears before minority	50,390 10 3	95,910 15 3	1,46,301 9 6
Government loan	1,00,851 4 2	1,00,851 4 2	2,01,702 8 4
Arrears of Fusly 1260	9,487 0 0	2,873 5 6	12,360 5 6
Total...	1,60,728 14 5	1,99,635 8 11	3,60,364 7 4

31. Mr. Elliot observed in his report that the Estate would be a profitable one if careful superintendence were exercised, and therefore the Zemindar might fairly be required to pay a larger annual sum than he had offered; if not immediately, at least after he had had time to bring his affairs into order. He recommended to Government that the Zemindar should be relieved from all charges of interest on condition of his making good the principal of the debt by instalments of 10,000 Rupees for the first two years, to be increased to 15,000 Rupees for the remaining years, any failure of engagement to be followed by the immediate sale of the Estate.

32. In the concluding part of his report Mr. Elliot added the following words:—"From my own observation of the Zemindar's character and abilities, I have no expectation that he will be able to exert himself successfully, however easy the conditions, which Government may be willing to grant."

Ex. Mins. Cons. 6th August 1852, No. 766.

33. Thereupon the Government declined to grant the request of the Petitioner, and observed that his proposal to strike off all interest; to extend his re-payment over ten years; added to the Commissioner's distinct declaration that the Petitioner was incapable to manage the Estate, precluded all hope that Petitioner could fulfil his engagement. Under this view the Government ordered the sale of the Estate at once in satisfaction of the liabilities due to Government.

From Commissioner 14th August 1852, No. 432.

34. Agreeably to the orders of the Commissioner, an advertisement for the sale of the Estate was prepared and sent to the Commissioner on the 16th September 1852.

35. Shortly afterwards the Petitioner visited Mr. Lushington, and presented a Petition to him to the address of Government, praying in it for a re-consideration of their decision, and for permission to be allowed a trial as to his power to fulfil the stipulations in which he was prepared to enter. At the same time the Petitioner request Mr. Lushington to forward the Petition to Government, and expressed his readiness to pay off the amount of the principal of the loan of Rupees 1,00,851-4-2, together with the arrears prior to the minority, amounting to Rupees 50,390-10-3, by an annual instalment of not less than 12,000 Rupees, and to produce security for the fulfilment of the same.

Vide Report to Commissioner 16th September 1852, No. 51.
Settlement for Fusly 1261

Commissioner 16th September 1852, No. 51.			
	Rs.	A.	P.
Settlement for Fusly 1261	69,023	15	2
COLLECTIONS.			
Current			
Arrears	66,349	12	2
Tukavay or advance	22,411	2	3
	7,997	2	3
DISBURSEMENTS.			
Peshcush for Fusly 1261 in full	96,758	0	8
Do. for Fusly 1260 credited from the collections of arrears	47,897	0	0
Credited from the surplus collections of Fusly 1261.	21,000	0	0
	9,487	0	0
Charges for collections	78,374	0	0
Allowance to Zemindar	13,923	12	4
	4,146	0	0
	96,443	12	4
Balance of Cash..	314	4	4

“allowed an opportunity of attempting to save the Estate granted to his ancestors for services rendered to the Company's Government, and to show whether he was competent or not to manage it, and to discharge the Government dues, would hereafter exist.”

Ex. Mins. Cons. 28th October 1852, No. 1,060.

accede to the

Ex. Mins. Cons. 28th October 1852, No. 1,060.

37. The Commissioner sent the Zemindar's Petition to Government, who declined to accede to the prayer therein contained on the ground that the Government is fully convinced that the Zemindar would fail to make good his terms; and that an acquiescence to his proposal would only defer the sale of the property till a future day.

* From Commissioner 1st October 1852, No. 521.

† To Commissioner 6th November 1852, No. 54.

Ex Mins. of Cons., 15th March 1863, No. 291.
From Commissioner, 21st " " " 127.

39. The Government sanctioned the purchase of the Estate, and granted authority for the whole of the arrears and other sums due by the Zemindar amounting to Rupees 3,57,050-13-0, including the exorbitant interest alluded to above.

40. ALLOWANCE.—After the Estate was thus disposed of, the Government proposed a suitable allowance for his maintenance, and granted an allowance of Rupees 500 per annum.

40. ALLOWANCE.—After the Estate was thus disposed of, the Zemindar was required to propose a suitable allowance for his maintenance. His proposition was to be allowed a money allowance of Rupees 525 per month, to retain certain Savaram lands supposed to be his own return of Rs. 1,000-15-0, including the exorbitant interest alluded to above.

or Rupees 9,379-8-0 per annum. Mr. Lushington supposed to yield Rupees 188-4-8, and 11 gardens amounting in all to Rupees 68-5-4 per month, 300, or 350 Rupees per month, together with three gardens recommended the grant of an allowance of This was supported by the Commissioner. The Government planted by the Zemindar's ancestors. requested the sanction of the Government, of India for the monthly allowance of Rupees 300, and the three gardens.

Government of India, 13th May 1853.

Ex. Mins. Cons. 5th March 1853, No. 294.

Government of India, 13th May 1853.
Ex. Mins. Cons., Madras Government, 14th June 1853.
Commissioner Northern Circars 20th June 1853, No. 231.

MASULIPATAM, 20th-November 1863.

No. 51.
A. P.
15 2

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36. Mr. Lushington referring to the settlement of Fusly 1261, which was a good one as shown in the margin, wrote to the Commissioner that "should it be in the power of the Zemindar to make arrangements by which "Rupees 70,000 should be realized annually, "there ought to be no difficulty in making "good the amount of Peshcush in addition to "an instalment of Rupees 12,000 a year, that "however should the Commissioner see grounds "for recommending to the Government on the "Zemindar's further representation, that a "trial should be allowed to the Zemindar, and "that should the Estate be sold hereafter on "his failure to fulfil his engagement, no "ground for complaint that he had not been "granted to his ancestors for services and to show whether he was competent or not to "pay the dues, would hereafter exist."

37

37. The Commissioner sent the Zemindar's Petition to Government, who declined to grant it, on the ground that the Government is fully convinced that the Zemindars are not in a position to pay the terms; and that an acquiescence to his proposal would be a precedent for other Zemindars.

38. The Commissioner ordered* the sale of the Estate on 1st November 1852, on which date it was bought on account of Government for Rupees 25,000.

39. The Government sanctioned the purchase of the Estate, and granted authority for the arrears and other sums due by the Zemindar at the exorbitant interest alluded to above, as thus disposed of, viz. —

return of Rupees 188-4-8, and 11 gardens supposed to yield Rupees 68-5-4 per month, amounting in all to Rupees 781-10-0 per month, recommended the grant of an allowance of three gardens planted by the Zemindar's ancestors. Government accordingly approved the same, and requested the sanction of the Government of India for the monthly allowance of Rupees 300, and the three gardens.

41. The Government of India were pleased to sanction the grant of a life pension of Rupees 300 per month, together with the three gardens referred to above.

(Signed) _____

(Signed) E. B. FOORD, *Acting Collector.*

ENCLOSURE No. 2.

Memorandum of the sum to be paid by the Zemindar on Divi Pergannah.

Collections from the Divi Pergannah for eleven years as follows :—

							RS.	A.	P.
Fusly	1262	...	...	...	...	...	71,428	0	0
"	1263	...	...	...	...	...	68,634	0	0
"	1264	...	...	...	...	...	52,050	0	0
"	1265	...	...	...	...	...	40,925	0	0
"	1266	...	...	...	...	...	70,337	0	0
"	1267	...	...	...	...	...	59,596	0	0
"	1268	...	...	...	...	...	58,798	0	0
"	1269	...	...	...	...	...	69,310	0	0
"	1270	...	...	...	...	...	54,284	0	0
"	1271	...	...	...	...	...	72,015	0	0
"	1272	...	...	...	...	...	72,415	0	0
									6,89,792 0 0

Deduct

Peshcush for eleven years at Rupees 47,887 per year	5,26,757	0	0
Allowance at Rupees 300 per mensem for eleven years	39,600	0	0
Establishment charges for the same period	33,158	0	0
	<u>5,99,515</u>	0	0

Remaining surplus payable to Zemindar...	...	...	90,277	0	0
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Amount due by the Zemindar to Government <i>vide</i> para-							
graph 10 of the Report	...	...	...	..		1,51,242	0 0

Deduct the above surplus	...	...	...	...	90,277	0	0
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Remainder to be paid by the Zemindar to Government ...	60,965	0	0
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MASULIPATAM, 20th November 1863. (Signed) E. B. FOORD, *Acting Collector.*

1. Resolved that the above letter, together with the Petition to which it relates, be submitted for the consideration and orders of His Excellency the Governor in Council.

2. The Petitioner, the representative of an ancient and highly distinguished family, solicits a re-consideration of the Orders passed by Government in his case upwards of eleven years ago. The facts of the case are so fully stated in the Collector's letter and in the Memorandum which accompanies it, that the Board think it needless to recapitulate them. Nor do the Board deem it necessary to enter into the legal question raised by Petitioner and touched upon by the Collector.

3. The history of the case as detailed by Mr. Foord has been verified, by a reference to the Board's records, and the Board are of opinion that ample reasons are brought forward to entitle Petitioner to consideration. His ancestors did the State good service, and in consequence of the patrimonial Estate having been dissipated by one of the members of the family, a pension was awarded to its head. This pension was afterwards commuted for a grant of the Divi Pergannah on the usual Zemindary terms, credit being given to Petitioner for the amount of pension in forming the Peshcush.

4. When the grant was made, the Board brought to notice that this Estate had not been disposed of with the others in the Northern Circars, as the Special Commission, advertng to the great fluctuations to which the revenue of Devi was liable, and to the consequent risk which the proprietor of so precarious a property must be exposed, expressed doubts as to the expediency of selling it. The result proved the correctness of this view, as even on the favorable Peshcush at which it was granted to Petitioner's ancestor, the Estate fell into arrears, and, as shown by Mr. Foord, was eventually purchased by Government.

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18th April 1864.

5. Mr. Foord shows that had the offer made by Petitioner, when he became of age, been accepted, and a doubt as to his personal fitness to manage the Estate, was, it appears, the chief ground upon which the offer was refused, Petitioner would by the present time have paid off a considerable portion of his debt to Government; and he recommends that Petitioner should now be given credit for all collections made subsequent to the purchase of the Estate (less the annual amount of Peshcush, Establishment charges, and Petitioner's allowance), and should be placed in possession of the Estate. The result of such a calculation would be that a large portion of the sum, accepted eleven years back, as fairly representing the Government claims upon Petitioner, would be struck off, leaving Petitioner a debtor to the amount of Rupees 60,965 only.

6. The Board willingly support the Acting Collector's proposal, and in the event of His Excellency in Council thinking proper to re-consider the former Orders of Government in the case, and to accord his sanction to the proposition now submitted, the sum due by Petitioner may be paid, as suggested by Mr. Foord, by annual instalments of Rupees 12,000.

No. 279. MINUTE BY THE HONORABLE E. MALTBY.

DEVY ESTATE.

1. I feel quite unable to concur in the recommendation made by the Revenue Board that this Estate which was sold for arrears of revenue in November 1852 should now be restored to the Petitioner, and that Government should forego all arrears of interest due on the large sum (Rupees 100,851) advanced by it in 1843 on the mortgage of the property to prevent the Estate being sold under Court Decrees for the benefit of private creditors.

2. This recommendation is based on two points, first, the alleged illegality of the sale; and secondly, the good services rendered to Government by Petitioner's ancestor, the founder of the family.

3. The first point does not seem urged seriously by any one but the present Acting Collector, Mr. Foord. The Petitioner himself only uses it now as a last resource and *ad captandum* and not with any expectation of producing conviction (see paragraph 11 of Petition). He was of age when the sale took place, and had there been any impediment on the score of illegality or informality, it would then have been turned to account in his endeavours to prevent the Estate being sold. The Revenue Board also shows no faith in this argument, for otherwise they would not have observed "nor do the Board deem it necessary to enter into the legal question raised by Petitioner and touched upon by the Collector."

4. In short, Mr. Foord seems to have overlooked the fact that at the time of Petitioner's adoption the Estate was under formal attachment for previous arrears, and before declaring the sale illegal, it was for him to show that the intervention of the Court of Wards annulled such an attachment instead of merely suspending it. But whatever opinion may be held on this point, practically no wrong was done to Petitioner since the liability of the Estate to be sold in satisfaction of the large sum which Government had advanced on its mortgage, cannot be denied.

5. On the second point it seems to me that if more consideration is due to the Petitioner than has hitherto been shown, the proper course is to increase the allowance granted to him. Against restoring the Estate to him, most powerful arguments may, in my opinion, be urged. The interests of the Ryots deserve consideration, and I would entirely deprecate putting them again under a needy and embarrassed Zemindar.* It is not also advisable on financial grounds to give up a property which has been improved by the

* For the evident inability of the Petitioner to have managed the Estate had it been restored to him see what the Commissioner writes in his letter of 17th January 1863, paragraph 7, 2½ years after Petitioner had attained his majority.

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large outlay made by Government on irrigation and drainage works, and for the purchase of which Government has virtually paid large sums. Nor is it politic to undo, except on very urgent grounds, the former acts of Government, and disturb the idea of permanence which ought to be connected with all public sales of land. If arguments for upsetting a sale are admitted years afterwards in cases where Government was purchaser, this must have an unfavorable influence on all sales and tend to deter bidders coming forward.

6. I observe that Petitioner memorialized the Court of Directors in November 1853, and that on a review of the case the Home Authorities rejected his appeal.

(Signed) E. MALTBY.

11th April 1864.

MINUTE BY THE HONORABLE Mr. PYCROFT.

No. 280.

1. I concur in the view taken by the Honorable Mr. Maltby.

2. Stress has been laid upon the great services rendered to the British Government by the Petitioner's ancestors. But as observed by the Government of India "the family although respectable, is not of high antiquity." They seem originally to have been Dubashes or Interpreters to the Chief in Council at Masulipatam. One of them was deputed to Hyderabad to negotiate with the Nizam the rent of the Northern Circars. They held, too, high Revenue offices, and in part were renters of Districts in the Northern Circars under the Nizam and the Honorable Company, enjoying as Mazoomdars and Sursheristadars lands, fees, villages, &c., from the Zemindars of the country.

3. In 1778 when the two offices were abolished as useless, compensation to the amount of Pagodas 10,000 a year was paid to Vencataroyaloo. This was resumed in the time of his nephew Juggopal Puntaloo on account of his default as renter of the Devi Purgunnah. Subsequently from commiseration a pension of Pagodas 150 per mensem or Rupees 6,300 per annum was granted to Vencataroyaloo's son, Gopal Row.

4. This pension would not improbably have lapsed on Gopal Row's death, but in the year 1806, on the introduction of the permanent settlement into the Masulipatam District, the Devi Estate was conferred on Gopal Row on Zemindary tenure at a Peshcush of Rupees 47,887.

5. This Peshcush, it should be remarked, was calculated on liberal terms. The assets of the estate were Rupees 78,130, and if, according to the course usually followed, two-thirds had been taken for the Peshcush, it would have stood at Rupees $78,130 \div \frac{2}{3} = 52,086$. The deduction of Gopal Row's pension Rupees 6,300 per annum from the assets before the Peshcush was struck reduced it to Rupees 47,887.

6. That the Peshcush was not disproportionate to the resources of the Estate is also shown by what is stated by the Board of Revenue that "the average collections of 33 years or from Fusly 1210 (1800-1) to Fusly 1242 (1832-33) both inclusive amounted to Rupees 88,481, which, as the Peshcush was only Rupees 47,887, left an average annual surplus in favor of the Zemindar of Rupees 40,594." The Petitioner, paragraph 7, admits that the net profits of the Estate for 26 years down to 1831-32 amounted on the average to Rupees 30,243 a year.

7. From Fusly 1242 (1832-33) the Estate began to decline, partly no doubt in consequence of the calamitous nature of that season, but in part from the Zemindar's own improvidence and extravagance. What that extravagance was will appear from the fact that the debts due by him to his private creditors on his death amounted to Rupees 3,71,621, or more than twelve times the annual profit (Rupees 30,243) of the Estate up to Fusly 1241 (1831-32), according to the Petitioner's

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own showing. The Zemindary, therefore, supposing it to have been free of all arrears of public revenue, would in all probability have been brought to sale by Decrees of Court at the suit of private creditors.

From Government of India, 19th May 1853. 8. It was remarked by the Supreme Government that in this case as in some others it would have been well had the provisions of the Zemindary regulations been strictly enforced, and had the Devi property been attached and brought to sale on its falling into arrears under Chinna Gopal Row in 1834, or on his death in 1836. From motives of consideration towards the family this was not done. The Estate was placed under the Court of Wards on behalf of the present Petitioner who had been adopted by Gopal Row's widow after his death. Nor was this all. The Government on the recommendation of the Board of Revenue advanced the sum of Rupees 1,00,851-4-2 from the public Treasury in payment of Gopal Row's private liabilities. I was in the Board's Secretariat at the time, and urged the Members strongly not to recommend the disbursement, foreseeing clearly that not a Rupee would be recovered, but my advice was not heeded.

9. The administration of the Estate under the Court of Wards was not successful. Indeed, for reasons into which I need not enter, the management by a Collector of an embarrassed property whether under attachment or in Wardship is seldom happy. The arrears that accrued during minority having however been wiped off, the demand against the Petitioner on his attaining his majority stood at Rupees 1,51,241-14-5, and if the Government Loan carried interest, as it clearly should, this would be increased by more than another lac.

10. There seemed no reasonable prospect of these heavy incumbrances being cleared off. The Petitioner made large offers, but Mr. W. Elliot, then Commissioner for the Northern Circars, said that "from his own observation of the Zemindar's character and abilities he had no expectation that he would be able to exert himself successfully, however easy the conditions which Government may be willing to grant."

The Government then did what they might have done in 1831 and 1836 with a saving to themselves of a lac of Rupees, and what the creditors might have done. They had the Estate brought to sale. Afterwards they obtained from the Government of India a compassionate allowance of Rupees 500 per mensem for the Petitioner.

11. I cannot see that he has any thing to complain of. Had the Zemindary been made over to him on his terms I feel assured that he would not have made them good. The Estate would still have come to sale, and perhaps he would not even have got his present pension. It should be recollected that he is not even the issue of the last Zemindar, but his son by adoption, adopted by his widow after he had died leaving his property deeply, indeed irretrievably embarrassed both publicly and privately.

12. During the 11 years from Fusly 1262 (1852-53), the year of sale, to Fusly 1272 (1862-63) the gross revenue of the Estate has averaged Rupees 62,703. Deducting Peshcush and charges of management (Rupees 3,016) there will remain a net surplus of Rupees 11,805, which, were the property entirely unembarrassed, would give the Petitioner, if put in possession, a good income although not so large as that enjoyed by the Zamindars from 1806 to 1831-32. The Estate will also probably be improved by irrigation from the Kistna Anicut. But

the gross revenue of the Estate has averaged Rupees 62,703. Deducting Peshcush and charges of management (Rupees 3,016) there will remain a net surplus of Rupees 11,805, which, were the property entirely unembarrassed, would give the Petitioner, if put in possession, a good income although not so large as that enjoyed by the Zamindars from 1806 to 1831-32. The Estate will also probably be improved by irrigation from the Kistna Anicut. But

Arrears on death of Gopal Row	Rs. 50,390
Government Loan	1,00,851
Do. for Interest	1,00,851
	<u>2,52,092</u>

that it can ever pay the large amount chargeable against the Petitioner or more than 2½ lacs of Rupees seems out of the question. I see not why Government should remit this, or, what amounts to the same thing, sacrifice their own revenue towards its liquidation, and still less why they should do both.

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13. The truth is, the Zamindary should, as observed by the Government of India, have been sold for arrears of revenue on Gopal Row's death. The property was then hopelessly insolvent. Attempts to bolster up matters in this as in other cases have only made affairs worse. I can perceive nothing in the history of the family and certainly nothing in that of the Petitioner himself that should have required a different course.

14. To the restoration of the Zamindary to the Petitioner on any terms I am wholly opposed. If he was unequal to its management in 1853 he is not likely to be better fitted for it now, after he has been for eleven years leading the idle life of a pensioner. He is certainly needy, and probably embarrassed, and can have neither capital nor knowledge requisite for the trust. The Estate from its position under the Anicut seems highly improvable and eminently to demand careful supervision and attention. To make over the Ryots to such a person as the Petitioner seems to me quite unjustifiable.

15. I find that the Petitioner memorialized the Court of Directors in 1853 shortly after the sale of the Estate and received the following answer:—

Despatch 21st February 1855, Revenue Department, No. 3, paragraph 11.

* Rather his adoption by his (adoptive) father. The Petitioner was adopted, not Gopal Row. This perhaps was meant.

"It appears to us that the ex-Zamindar who is not descended directly from the original proprietor, but owns his position to the adoption* of his father as heir to the Estate on the failure of family heirs has been treated with great consideration, and we see no reason to disturb the arrangement which under the sanction of the Supreme Government you have concluded.

16. This appears decisive, and the Petitioner, I think, should be referred to it. I fully concur with Mr Maltby in deprecating the re-agitation of questions which years ago were determined by competent authority after mature deliberation. Such a course unsettles the Native mind, and leads them to mistrust the stability of Government in its acts and resolves. Nor in such cases as the present is it any kindness to the parties themselves, whom it buoys up with false hopes, plunges into useless expenses, and exposes to be victimized by Vakeels and Petition writers.

1st April 1864.

(Signed) T. PYCROFT.

No. 881. *MINUTE BY THE HONORABLE THE PRESIDENT.*

1. The case of the Petitioner seems to me a very hard one.

2. The Government gave to the ancestor of the Petitioner an Estate, in lieu of a pension of 150 Pagodas per month or 6,300 Rupees per annum. This Estate was estimated to produce Rupees 78,130-8-0 per annum, and it was saddled with a rent or Peshcush of Rupees 47,887, the amount of which was determined as follows. The value of the pension, 6,300 Rupees, was deducted from the total produce, and the remainder was then divided into three parts, two of which were taken by the Government and one by the tenant or Zemindar. This was all fair and just; the Zemindar got, instead of a fixed income of 6,300 Rupees, a fluctuating one of 30,243 Rupees, a fair acknowledgment of the claims he had upon the liberality of the Government.

3. It appears, however, from the papers, that the Divi Estate is dependent upon the floods of the Kistna for water, and that the returns from it are very precarious; we see in fact that the average collections of seven years, from 1813 to 1819 inclusive, did not exceed 52,673 Rupees per annum, instead of 78,130 Rupees as estimated; so that during those years the Zemindar did not

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realize by 1,508 Rupees the amount of his former pension, and during three of these years the whole of the proceeds of the Estate failed to make up the rent, the deficiency amounting to 35,278 Rupees.

4. Again we see from the returns from 1262 to 1272 inclusive, that, notwithstanding the extraordinary rise in price of all agricultural produce, the average yield of the Estate has been only 62,708 Rupees per annum, and that in not one of these years has the estimated yield been reached. It is evident, therefore, that the Government on making a present of this Estate to the ancestor of the Petitioner, saddled with such a Pesheush, did not in any way carry out its own objects. It ruined the man whom it proposed to serve.

5. I cannot, therefore, but think that in justice to the Petitioner, and indeed to its own character, the Government should order a revision of the accounts of the Estate to be made, and that the actual yield of the property, so far as this can be ascertained, should be made the basis upon which the amount of Pesheush should be calculated instead of the purely imaginary quantity of 73,130.

For instance the total collection for seven years being...	3,68,712 and
For eleven years...	6,89,792

Total... 10,58,504

this divided by 18 will give 58,805 as the fair average yield of the Estate; if from this we subtract 6,300, the remainder to be divided between the Government and the Zemindar would be 52,505, and the share of the Government as rent or Pesheush would be 35,004 Rupees. I have given this as an instance, but it is very evident from this that the original claim on behalf of the Government was exorbitant. Directions should be given to the Board of Revenue to go fully into the investigation of the actual returns of the Estate, and to submit with these a calculation, based upon the average of these, of the amount due by the Zemindar at the time that his property was sold. Should it appear from such an investigation that the Government was not justified in selling the Estate, which under a fair and reasonable rent might have paid off all its incumbrances, I cannot but think that justice demands its restoration to its proprietor.

(Signed) W. T. DENISON.

No. 282. MEMORANDUM BY HIS EXCELLENCY THE COMMANDER-IN-CHIEF.

It appears a hard case—the Petitioner had not his Estate handed over to him on coming of age. He has never had an opportunity of showing whether he could re-pay the money or whether he was fit to take charge of the property. I should also be inclined to agree with Sir William Denison that the original claim on behalf of Government was too high; but at the same time I think it would be unwise to attempt to alter a decision of the Court of Directors, formed no doubt after a careful consideration of all the circumstances connected with the case, and after so long a period has elapsed.

(Signed) J. H. GRANT.

No. 283.

ORDER THEREON, 18th April 1864, No. 654.

1. The Government have given the foregoing papers their careful consideration, and they are of opinion that no sufficient cause has been shown for re-opening the case.

2. The Board will communicate this decision to the Memorialist.

(Signed) J. D. SIM,
Secretary to Government.

4. When the grant was made, the Board brought to notice that this Estate had not been disposed of with the others in the Northern Circars, as the Special Commission, advertent to the great fluctuations to which the revenue of Divi was liable, and to the consequent risk which the proprietor of so precarious a property must be exposed, expressed doubts as to the expediency of selling it. The result proved the correctness of this view, as even on the favorable Peshekush at which it was granted to Petitioner's ancestor, the Estate fell into arrears, and, as shown by Mr. Foord, was eventually purchased by Government.

5. Mr. Foord shows that had the offer made by Petitioner, when he became of age, been accepted, and a doubt as to his personal fitness to manage the Estate, was, it appears, the chief ground upon which the offer was refused, Petitioner would by the present time have paid off a considerable portion of his debt to Government; and he recommends that Petitioner should now be given credit for all collections made subsequent to the purchase of the Estate (less the annual amount of Peshekush, Establishment charges, and Petitioner's allowance), and should be placed in possession of the Estate. The result of such a calculation would be that a large portion of the sum, accepted eleven years back, as fairly representing the Government claims upon Petitioner, would be struck off, leaving Petitioner a debtor to the amount of Rupees 60,965 only.

6. The Board willingly support the Acting Collector's proposal, and in the event of His Excellency in Council thinking proper to re-consider the former Orders of Government in the case, and to accord his sanction to the proposition now submitted, the sum due by Petitioner may be paid, as suggested by Mr. Foord, by annual instalments of Rupees 12,000.

(True Copies and Extract.)

To J. D. Sim, Esq., Secretary to Government, R. D., with a P
Copy to G. Thornhill, Esq., Collector of the Kistna District.

Exd. J. Wright.

Nothing in the shape of a price is necessary in this case, the facts being detailed at length in the memorandum which accompanies the Collector's letter.

The first 19 paragraphs of the Memo, relating to the history of the family up to the adoption of the present Petitioner, have not been verified in this office. The Board however vouch for the correctness of the details here given.

The remaining portion of the Memo gives a faithful account of the correspondence which has passed on the subject since 1836, and which will be found in the accompanying bundle.

There is one point deserving of consideration, I think, in the event of the Board's recommendation being acceded to. More than a Lac of Rupees was advanced in 1844, or 20 years ago, by the Govt, to pay the debt of the Petitioner's adoptive father. The Board now propose that this sum should be repaid without interest. Would it not be fair to require interest to be paid?

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1884 Department
No. 521-
PROCEEDINGS OF THE BOARD OF REVENUE

Dated 22nd February 1864.
22/2/64
23/2/64
24/2/64

No. 1147.

1864/11/11/11

Forwarding petition addressed to the
by the Ex-Zemindar of Divi Pergunnah
report of the Collector of the Kistna Dist
the Board's recommendation that under
circumstances stated Petitioner be placed in
sion of the Estate.

22/2/64
23/2/64
24/2/64

Proposal of filed
Revenue Board
to restore the
Estate of the
Puggaada No.

To the Hon. Secy.
to the Com.
in charge.

Dear Estate.

I feel quite unable to concur in the recommendation made by the Revenue Board that this Estate which was sold for arrears of Revenue in Nov. 1852 should now be restored to the Petitioner, & ^{that I should forego} all arrears of interest due on the large sum (Rs 100851) advanced by ^{it} ~~me~~ on the mortgage of the property in 1843, to prevent the estate being sold under Court decrees for the benefit of private creditors.

2. This recommendation is based on two points - 1st. the alleged illegality of the sale & 2ndly. the good service rendered to Govt by Peter's ancestor the founder of the family.

3. The 1st point does not seem urged seriously by any one but the present Acting Collector - Mr. Ford - The Peter himself only uses it as a last resource & ^{& ad captum} with any expectation of producing conviction (See P 11 of Petition) - He was of age when the sale took place, & had ^{impediments on the score of} there been any illegality or informality it would then have been turned to account in his endeavours to prevent the ^{estate} ~~estate~~ being sold.

The Revenue Board also shows no facts in their argument, for otherwise they would not have observed "Nor do the Board deem it necessary to enter into the legal question raised by Peter & touched upon by the Collector".

The fact that at the time of adoption the estate was under formal attachment for previous arrears, and before declaring the sale illegal it was for him to show that the intervention of the Court of Wards warranted such an attachment instead of merely suspending it. But whatever opinion may be held on this point, it is clearly no longer wise to do so, as the fact of the estate being under such a process of the Court of Wards is a sufficient ground for the sale.

4 - In short the whole seems to have looked the fact that at the time of adoption the estate was under formal attachment for previous arrears, and before declaring the sale illegal it was for him to show that the intervention of the Court of Wards warranted such an attachment instead of merely suspending it. But whatever opinion may be held on this point, it is clearly no longer wise to do so, as the fact of the estate being under such a process of the Court of Wards is a sufficient ground for the sale.

5 - On the 2nd point it seems to me that if more consideration is done to the Petitioner's hitherto been shown the proper course is to increase the allowance granted to him - Against restoring the estate to him, most powerful arguments may be urged. The interests of the Ryots deserve consideration & I should rather deprecate putting them again under a ready & unbounded Government. It is not also advisable as financial grounds to give up a property which has been improved by large outlay made by Govt. as irrigation & drainage & for which Govt. has actually paid large sums. except works for which it is not to be made, except on urgent grounds, the former acts of Govt. & disturb the confidence which ought to be connected with all public sales of land. Arguments for upsetting a sale are admitted. Years afterwards, however, where Govt. was purchaser, this must have an unfavorable influence on the sales of land to deter bidders coming forward.

I have also mentioned the Council of Directors in 1852. I think that the Council of Directors in 1852. I think that the Council of Directors in 1852. I think that the Council of Directors in 1852.

From Govt of India
 13 May 1853 -

I concur in the view taken by the Honble Mr. Maltby -

2. There has been laid upon the great services rendered to the British Govt by the Petitioner's ancestors. But an objection by the Govt of India the family & the respectability is not of high antiquity - They seem originally to have been interpreters or Ambassadors to the Chief in Council at Madras - One of them was deputed to Hyderabad to negotiate with the Nizam the rent of the Nizam's Circars - They held too high Revenue Office, and in fact were members of Districts in the Northern Circars under the Nizam and the Honble Company, enjoying as Mahomedans and Sun Shieks, and lands free village for the Zamindars of the Country.

3. In 1778 when the two officers were abolished as useless, compensation to the amount of Pay 10,000 a year was paid to Venkateswara Rao. This was resumed in the time of his nephew Seripada Pantaleo on account of his default as receiver of the Devi Pen. - journal - Subsequently from commutation a pension of Pay 150 per month or R 6300 per annum was paid to Venkateswara Rao.

4. This pension would not improbably have lapsed on Jopul Rao's death - but in the year 1806 on the introduction of the permanent settlement into the Manipal District, the Devi estate was conferred on Jopul Rao as Jaminadar at a Pension of R 47887.

5. This Pension, it should be remarked, was calculated on Liberal terms. The assets of the estate were R 78,130, and if

$$78,130 - 6300 \div \frac{2}{3}$$

Proceedings 16 Oct 1843 p 1.

* itself followed for which had been taken in the Pension, it would have stood at $R 78130 \div \frac{2}{3} = 52,086$. The deduction of Jopul Rao's pension R 6300 per annum before the Pension was struck reduced it to R 47887 -

6. That the Pension would be disproportionate to the revenues of the estate is also shown by what is stated by a Board of Revenue that the average collections of 33 years or from 1210 to 1242

$$\frac{1210}{1800/01} \text{ to } \frac{1242}{1832.3} \text{ both in.}$$

the average annual collection amounted to R 88481 which as the Pension was only R 47887 was an average annual surplus in favor of the Jaminadar of R 40,594. The Petitioner pointing out that the net profits of the estate for 23 years taken down to 1831.2 amounted to an average of R 30243 a year -

7. From 1242 to 1832.3 the estate began to decline, partly no doubt in consequence of the calamitous nature of that century

8. It was remarked by
the Supreme Court that in
this case as in some
others it would have been
well had the provisions
of the Fundamental Regula-
tions been strictly enforced
and had the Decree properly
been attached and brought
to bear on its failing into
array under China
for all time in 1834 or
on his death in 1836." From

From fore of India 13
May 1853 ~~2~~

motives of ^{the} ~~con~~ ^{the} ~~struction~~ ^{was not done} to
 - wards the ^{the} ~~fact~~ ^{fact} of the cr.
 - tal - was placed under
 the Court of Wards on be-
 - half of the present Peti-
 - tioner who had been adop-
 - ted by Joseph Row's widow
 after his death - Nor was
 this all - The fact on the
 recommendation of the
 House of Commons advo-
 - cated the sum of £100857
 4:2 from the public Treas-
 - ure in payment of
 Joseph Row's private liab-
 - ilities - I was in the House's
 Secretariat at the time,
 and helped the Members
 strongly not to recommend
 the sum or even pre-
 - seeing clearly that not
 a shilling would be recov-
 - ered - but my advice
 was not heeded -
 9 - The administration of
 the estate under the Court
 of Wards was not success-
 - ful. In doing for reasons
 into which I need not
 enter, the management
 by a collection of an em-
 - barrassed property
 whether under actual man-

or a Wardship is seldom happy. The answer that accrued during minority having been been wiped off the demand against the Petitioner on his attaining his majority stood at R 1,51,241:14:5, and if the full loan carried interest as it clearly should, this would be increased by more than another lacs.

10. Then seemed no reason to the prospect of their heavy incumbrances being cleared off. The Petitioner made large offers but Mr W L Bird the Commissioner for the C said that from his own observation of the Zemindar character & abilities, he had no expectation that he would be able to exert himself successfully & however easy the conditions, which put on my willingness to grant."

The fact then did what they might have done in 1834 & 1836 with a saving to the Government of Rs. 21

what the land might have done. They had the estate bought to sell - afterwards they obtained from a force of India a compassionate allowance of R 300 ^{per mensem} for the Petitioner.

11. I cannot see that he has any thing to complain of. And the Jnd. has been made an addition on his terms. I feel assured that he would not have made them good. The estate would still have come to take him for. - perhaps he would not even have got his present pension. It should be recd. - stated that he is not even the issue of the last Jnd. but his son by adoption, adopted by his widow after he had died leaving his property deeply indebted irretrievably embroiled with family & friends.

12. During the 11 years from July 1262 / the year of sale / 1852.3 to July 1272 / the gross revenue of the estate has averaged

vide enclosure no 2 to
Rev & Collin letter

Amount on death of
Jugal Row - R 50390
for loan - 100851
for interest 100851
252092

Why they should do both

62,700 - deducting percent
and charges of man ^{per cent}
[R 3016] - then will remain a
net ~~income~~ ^{surplus} of R 11,805, which
will the property entirely un-
embarrassed, would give
the Petitioner, ~~under the present~~
possession, a good income
altho' not so large as that
enjoyed by ~~the 3rd son~~ ^{the 3rd son}
from 1806 to 1831.2 - The
estate will also probably be
improved by irrigation from
R Kirtia rivulet - But that
it can employ the large
annual charge again
the Petitioner or more than
2 1/2 lacs of Rupees seems
out of the question - I see
not why they should reveal
this or what amount to
something so ~~large~~ ^{large} than
own resources towards its
liquidation - and still
13. The truth is, the Junitary
should, as observed by the
Govt of India, have been told
for ancient of evidence of
Jugal Row's death - The proper
- it was then hopelessly in-
solvent - Attempts to bol-
ster up matters in this as
in other cases have only made
affairs ~~worse~~ ^{worse} - I can perceive
nothing in the history of the
family and certainly no
thing in that of the Petitioner
himself that should have ~~to be~~ ^{to be} ~~reminded~~ ^{reminded} ~~con-~~

14. To the restoration of the
Junitary to the Petitioner
on any terms, I am wholly
opposed - If he was un-
-fitted to its management
in 1853 he is not likely
to be better fitted for it now -
after he has been for eleven
years leading the idle
life of a pensioner - He is
certainly needy & probably
embarrassed - and can
have neither capital nor
knowledge requisite for the
trust. The estate from its
position under a British
seems highly improvable
and eminently to demand
careful supervision &
attention. To make over
the right to such a person
as a Petitioner seems to
me quite unjustifiable
15. I find that the Petitioner
in memorialized to Council
of Directors in 1853 shortly
after the sale of the estate
and received the following
answer -

Despatch 21 Feb 1855
R D no 3 -
para 14

2 after his adoption by his [adoptive]
father - The Petitioner was adopted,
not Jugal Row - This probably
was meant -

"It appears from that
the 1st Junitary who is not
descended directly from the
original proprietor, but
owns his position to the adop-
tion of his father as heir to
the estate on the failure of
family heirs has been treat-
ed with great consideration

and we see no action to be
-tent the among men who
under the succession of the
-from for you have con-
-cluded."

16- This appears decisive
and Petitioners I think it
to refer to it - I fully
concur in the Mr. Marshall
in depreciating the regu-
-lation of questions which
years ago were ^{determined by} settled by
competent authority of
majority deliberation. Such
a course unsettles the
native mind, leads them
to mistrust the stability of
force in its acts & resolutions -
Now in such cases as the
present is in any kindred
the parties themselves,
whom it brings up with
false hopes, plunges into
useless expenses & exposes
to be victimized by unscrupulous
and petition writers -

1.4.64

JF-

Copy in a letter to Engham
12 June No 2 of 1864 Land Revenue

Revenue 1864 Despatch
Pro: of Govt for April

No. 1591.

Minute by the Honble Mr.
Pierpont
18 April 1864.

Recording his
views on the subject
of restoring the devy
estate to its former
Laminars.

18 April 1864.

No. 280.

The case of the Detention seems
to me a very hard one -
The Govt gave to the Ancestor of
the Detention an estate in
the Devy Estate of 150 Pagodas
per month or 6300 R per
annum. - The estate was
estimated to produce 78130.8
per annum and it was
saddled with a Rent or Peshkar
of 47887.0.0 the amount of
which was determined as
follows. The value of the Devy
6300 R was deducted from
the total produce and the
remainder was then divided
into three parts two of which
were taken by the Govt and
one by the tenant or Laminar.
This was all fair and just.
The Laminar got instead
of a fixed income of 6300 R
a fluctuating one of 30243 R.
A fair acknowledgment of
the claims he had upon the
liberality of the Govt -
It appears however from the
papers that the Devy estate
is dependent upon the
floods of the Kistnah for
its produce and that the returns
from it are very irregular.
We see in fact that the
average collections of 7 years
from 1843 to 1849 inclusive
did not exceed 32673 R per
annum.

instead of 70130 Rs as estimated
so that during those years
the Zemindar did not realize
by 1500 Rs. the amount of his
former Decree. and during
3 of those years the whole of
the proceeds of the Estate failed
to make up the Rent, the
deficiency amounting to
35270 Rs. —

Again we see from the returns
from 1852 to 1872 inclusive
that, notwithstanding the
extraordinary rise in price
of all agricultural produce,
the average yield of the
estate has been only 62700 Rs
per annum. and that in
not one of these years has the
estimated yield been reached.
It is evident, therefore, that
the Govt is making a
present of the estate to the
ancestors of the Petitioner
saddled with such a per-
-centage did not in any way
carry out its own objects.
It required the man whom
it proposed to serve.
I cannot therefore but think
that in justice to the Peti-
-tioner, and indeed to its
own character the Govt
should order a revision
of the accounts of the estate
to be made, and that
the actual yield of the
property so far as this

can be ascertained, should
made the basis upon which
the amount of Decree should
be calculated instead of the
purely imaginary quantities
of 70130. —

For instance the total collection
for 7 years being 3,50,712 and
for 11 years. 6,89,792
Total 10,58,504.

This divided by 18 will give
58805 as the fair average
yield of the estate. If from this
we subtract 6300 the remain-
-der to be divided between the
Govt & the Zemindar. The
share would be 52505 and
the share of the Govt as Rent
in Decree would be 35000 Rs.
I have given this as an instance
but it is very evident from
this that the original claim
on behalf of the Govt was
exorbitant. directions
should be given to the Board
of Revenue to go fully into
the investigation of the actual
returns, and to submit
with them a calculation
based upon the average of
these, of the amount due by
the Zemindar at the time
that his property was sold.
It should appear from such
an investigation that the
Govt was not justified in
selling the Estate which
under a fair & reasonable
Rent might have paid off.

at its incumbrances. I am
but think that justice
demands its restoration
to its proprietor

MD

Copy in a letter to Longland
of 21 June No 2 of 1864 Land Rev.

81
16-2-94

Revenue 1864 Sept
Pro: of Govt for April

N: 1589:

Minute by the (Fossil)
the President.

Recording his
views on the subject
of restoring the Sevy.
state to its former pro-
prietors.

18 April/64 to 65.

Albano.

A proof of the Commander-in-
Chief's Minute was sent to him
for approval with the original under
cover. - Proof returned without the
original. - I herewith send up the
other. Albano's minutes with the
Commander-in-Chief's.

20/5/64

Deputy
Secretary

1:28/

Proceedings of the Madras Government.

Under date the 18 April 1864.

Read the following Papers.

Progs. of the Board of Rev.

Forwarding petition addressed to the Board by the Ex. Zemindar of Divi Pergumali and the report of the Collector of the District in the Board's recommendation that under the circumstances stated Petitioner be placed in possession of the Estate.

(Here enter 22nd Feb. 1864 N^o 1147)

Memo by the Hon. & Mr. J. J. P. P.

(Here enter)

Memo by the Hon. J. J. P. P.

(Here enter 1 April 1864)

Memo by His Excellency the President.

(Here enter)

Memo by His Ex. the Chief

(Here enter)

1. The Government have given the foregoing papers their careful consideration, and they are of opinion

opinion that no sufficient
cause has been shown
for reopening the case.

2- The Board will
communicate this decision
to the Memorialist.

egw

14 Copies to the Secy of Reul with
and Encl. Despt. 19th Apr.

25

16-2-94

21.654.

Pro: of the Chamber Court
27th Oct/1864.

Drayer of Silence
 Transcription for Henry
 placed in hope of you
 of his estate required.

No 2780 @ 283-